

REMARKS

Claims 1-10 and 27 are pending. Applicants respectfully request that the Examiner reconsider all rejections in the outstanding Office Action in view of the foregoing amendments and the following remarks.

1. 35 U.S.C. § 112, ¶ 1

Claims 1-10 and 27 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. Office Action, page 3. Particularly, the Office Action asserts that an “uncoated” aluminum based medium as recited in the claims does not appear to be supported by the disclosure as originally filed, and hence constitutes new matter. Although Applicants respectfully disagree, the recited term “uncoated” in the pending claims has been replaced with the term “surface hydrated,” thereby rendering the instant rejection moot. Exemplary support for “surface hydrated” is found at page 4, lines 25-30 of Applicants’ original disclosure.

Claims 1-10 and 27 also stand rejected under 35 U.S.C. § 112, first paragraph, allegedly because the specification, while being enabling for the removal of microbiological contaminants from water, does not reasonably provide enablement for the removal of other “biological species” from such water. *Id.* Although Applicants respectfully disagree, the recited term “biological species” has been replaced with the term “microbiological contaminants,” thereby rendering the instant rejection moot. Exemplary support for “microbiological contaminants” is found at page 1, line 7 of Applicants’ original disclosure.

Applicants respectfully request the Examiner to withdraw the instant rejections of claims 1-10 and 27.

2. 35 U.S.C. § 112, ¶ 2

Claims 4, 5, and 8-10 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Office Action at page 4.

In regard to claims 4 and 5, the Office Action contends that the term “preferably” as recited in claim 4 is vague and indefinite. Applicants have amended claim 4 to remove the term “preferably,” thereby rendering the instant rejection of these claims moot.

With respect to claims 8-10, the Office Action contends that “the alumina” as recited in claim 8 lacks antecedent basis. Applicants have amended claim 8 to replace “alumina” with “aluminum based medium,” thereby rendering the instant rejection of these claims moot.

Applicants respectfully request the Examiner to withdraw the instant rejection of these claims.

3. Mehkeri

The Office Action cautions that an attempt to overcome the outstanding 35 U.S.C. § 112, first paragraph, rejections of claims 1-10 and 27 by deleting the term “uncoated” from the claims may result in reinstatement of the art rejections based upon U.S. Patent No. 5,512,491 to Mehkeri *et al.* (“Mehkeri”) as applied in the previous Office Action.

At the outset, Applicants note that the present amendments replace the modifying term “uncoated” with “surface hydrated.” Support for such an amendment is found at least at page 4, lines 25-30.

Applicants respectfully submit that Mehkeri fails to teach “a surface hydrated aluminum based medium” as recited in claim 1 or similarly recited in claim 27. Where Mehkeri teaches an alumina support (Mehkeri, col. 3, ll. 7-20), it does not teach hydration at the surface of such a support.

CONCLUSION

Applicants respectfully submit that this application is in condition for allowance, and such disposition is earnestly solicited. Should the Examiner believe anything further is desirable in order to place the Application in even better condition for allowance, the Examiner is invited to contact the Applicants’ undersigned representative.

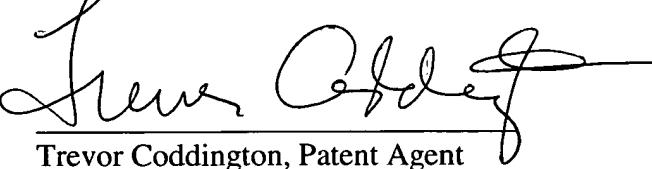
APPLICATION NO. 09/646,347
AMENDMENT DATED JANUARY 20, 2004
REPLY TO OFFICE ACTION OF JUNE 4, 2003

Applicant are submitting herewith a Petition for a Two-Month Extension of Time and the requisite extension fee, thereby extending the period for Reply up to and including January 21, 2004. In the event that a variance exists between the amount tendered and that determined by the U.S. Patent and Trademark Office to enter this Reply or to maintain the present application pending, please credit or charge such variance to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By:


Trevor Coddington, Patent Agent
Registration No. 46,633

Dated: January 20, 2004

Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W., Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)

TC:cdh